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LAW OFFICES OF NEIL B. CHECKMAN

July 7, 2022

Application GRANTED. By July 15, 2022, the Government shall contact the facility to arrange the requested three-way conference. Mr. Checkman's deadline to file the letter ordered at Dkt. No. 520 is extended to one week after the three-way conference. The Government shall file a status letter by July 29, 2022.

Hon. Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Dated: July 7, 2022
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: United States v. Carlos Alberto Valladares Garcia¹,
S-2 15 Cr. 174 (LGS)
15 Cr. 174-LGS-8

Dear Judge Schofield:

On June 20, 2022, counsel filed a letter to the Court requesting re-appointment as counsel for Mr. Valladares, in order to file an application for the reduction of Mr. Valladares' sentence due to the harsh conditions he has endured as a result of the Covid-19 pandemic, and any other relevant factors as set forth in the reasoning of United States v. Brooker, 976 F.3d 228 (2d Cir. 2020). This application came at the request of the defendant's son who called counsel from Honduras. The defendant, himself, does not speak English.

The Court, on June 24, 2022, denied that application without prejudice, and directed counsel to file a letter by July 8, 2022, providing a basis for that application.

Since that date, counsel has learned that Mr. Valladares has been incarcerated at the Federal Medical Center in Lexington, Kentucky. Counsel has attempted to contact the facility to set a three-way telephone conference between Mr. Valladares, counsel, and a Spanish language interpreter. Mr. Raul Cuesta, a certified interpreter, has agreed to translate and interpret for counsel.

To date, despite several attempts to set up such a telephone conference both by leaving phone messages and by emailing LEX-ExecutiveAssistant@bop.gov, I have been unable to set up that conference. The purpose of such a conference would be to determine Mr. Valladares'

¹ Mr. Valladares was indicted under the name Carlos Alberto Valladares Zuniga, however his true name is Carlos Valladares Garcia.

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facility behavioral record, his present and past health condition², his ability to participate in Bureau of Prisons programs, his access to exercise and healthcare and the like. Without speaking with my client, I have no way of providing the Court with a basis for this application.

Accordingly, counsel requests that the Court direct the Government to contact the facility, and to either arrange for the requested three-way conference, or to facilitate the facilities' contact with counsel. In addition, I ask the Court to allow counsel to file a letter providing the basis for the application after speaking with my client.

I thank the Court for considering this application.

Very truly yours,



Neil B. Checkman

/NBC

cc: A.U.S.A.s Emil Bove and Matthew Laroche (By ECF and email)
Mr. Raul Cuesta (By email)

² The fact that Mr. Valladares is being held at a Federal Medical Center raises questions about his health conditions.